

REMARKS

Claim 1 is amended herein to incorporate the subject matter of claim 8 and recites that the dye is represented by formula (2). Claims 4-8 and 13-17 are canceled. No new matter is presented. Accordingly, upon entry of the Amendment, claims 1-3 and 9-12 will be all of the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 102 and 103

Claims 1, 4 and 5 are rejected under 35 U.S.C. § 102(b) as allegedly being fully anticipated by each of Elmasry et al (U.S. Patent No. 4,680,375), Burns et al (U.S. Patent No. 5,786,123), Elmasry et al (U.S. Patent No. 4,666,819), Umehara et al (U.S. Patent No. 5,002,812), Wilson (U.S. Patent No. 2,425,772) and Brooker et al (U.S. Patent No. 2,461,137).

In paragraph 7 of the Action, claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being fully anticipated by Savant et al (U.S. Patent No. 5,384,221).

In paragraph 10, claims 1, 4, 5, 10 and 13-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wilson in view of Veerbeeck et al (U.S. Patent No. 6,432,625) and/or Nakazawa et al (U.S. Patent No. 3,867,146).

Claims 1 and 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morishima et al (U.S. Patent No. 5,879,772).

Claims 1-3 and 10-13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wariishi (JP 11-058973).

Claims 1-7 and 10-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wariishi, in view of Hamer ("The cyanine dyes and related compounds", pp. 668-681), Wilson and Elmasry '375.

II. Applicants' Response

Claim 1 is amended herein to incorporate the subject matter of claim 8 which is not disclosed, taught or suggested by any of the cited references. That is, none of the cited references discloses, teaches or suggests an optical information-recording medium comprising a dye represented by formula (2) as recited in amended claim 1. Claims 2, 3, 10, 11 and 12 depend directly, or indirectly, from amended claim 1 and are distinguished over the art for at least the same reasons.

Accordingly, Applicants respectfully request withdrawal of the §102 and §103 rejections.

Claim 9 is free of the prior art.

Claims 4-8 and 13-17 are canceled herein, thereby rendering the rejections as to these claims moot.

III. Response to Double Patenting Rejections

Claims 1 and 4-9 are provisionally rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1-12 of co-pending Application No. 10/930,804 (U.S. Patent Publication No. 2005/0063292).

Claims 1-17 are provisionally rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1-12 of co-pending Application No. 10/930,804 (U.S. Patent Publication No. 2005/0063292), in view of Wariishi.

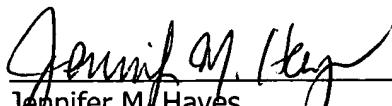
Applicants defer responding to the provisional double patenting rejections.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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